

## Affidavit of Service

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

CASE NO.: **12 CV 5025 (JMF)**

Plaintiff: CAPITAL ONE, NATIONAL ASSOCIATION,

Defendants: 201 W 134 ST LLC, GERALD MIGDOL a/k/a JERRY MIGDOL, and "JOHN AND/OR JANE DOE #1" to "JOHN AND/OR JANE DOE #5"

Network Provided  
Time - 10:12 AM  
Date - September 11, 2012  
GPS  
40.817848 -73.943550

State of New York, County of New York:

I **Ronald Guest - License No. 1282614** being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in the State of New York.

That on **September 11, 2012 at 10:12 AM at 223 W. 138th Street, Ground Floor., New York, New York 10030**, deponent served the within **Summons In A Civil Action and Amended Complaint for Foreclosure of Mortgage and Enforcement of Guaranty along with Exhibits "A-C"** on **Gerald Migdol a/k/a Jerry Migdol C/o Aaron Migdol, Esq.** herein known as Recipient.

Said service was effected in the following manner;

SUITABLE AGE PERSON

By delivering thereat a true copy of each to **Aaron Migdol, Esq.**, Person that is authorized by appointment or law to receive document of process for the defendant (), a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's dwelling or place of business and their reply was affirmative.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows: **Male, Dark brown skin, 5' 11", 230 - 240 lbs, Black hair, Brown eyes, 45 - 50 years**

### Server Comments

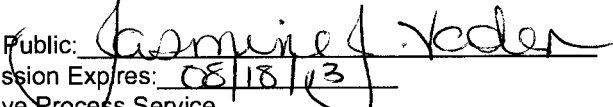
Above person had asked, whether recipient was in the military service of the State or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient is not in the military service of the State or the United States as that term is defined in the statutes of the State or the Federal Soldiers and Sailors Civil Relief Act.

  
Ronald Guest - License No. 1282614

SCHIFF HARDIN LLP

Notary Section

Subscribed and affirmed, or sworn to before me this 19<sup>th</sup> day of Sept., 2012

Notary Public:   
Commission Expires: 08/18/13  
Exclusive Process Service  
Post Office Box 858  
New York, NY 10268

JASMINE J. VADEN  
Notary Public, State of New York  
Reg. No. 013A6132291  
Qualified in New York County  
Commission Expires Aug. 18, 2013

State of New York  
County of New York